IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL MISC.APPLICATION No 4743 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE D.P.BUCH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

PRAFULCHANDRA MAGANLAL SONI THRO'NAYNABEN PRAFULCHANDRA

Versus

STATE OF GUJARAT

Appearance:

MS SUBHADRA G PATEL for Respondent No. 1

MR RC KODEKAR, APP, for the Respondent.

CORAM : MR.JUSTICE D.P.BUCH

Date of decision: 02/07/2001

ORAL JUDGEMENT

Rule. Mr.R.C.Kodekar, Ld.A.P.P. waives service of rule. By consent of Ld. Advocates for the parties this application is being heard and finally disposed of.

2. This is an application for temporary bail of the petitioner on the ground that his father, aged about 70 years is suffering from Urinary problem and he has been admitted in hospital. It is further contended that the doctor has advised him for surgery for the said ailment. It is further contended that except an aged mother and wife there is no other adult member in the family to lookafter his father.

3. Ld. A.P.P. states that the date for the purpose of operation has not been fixed.

4. At this stage the Ld. Advocate for the petitioner makes a statement that even the operation is not performed, the petitioner will not pray for extension of time for temporary bail.

5. The certificate of Sabarmati Development Society Sanchalit Sheth Shri Pukhraj Raichand General Hospital dated 26th June, 2001 is placed at Annexure 'A' at Page 5 in support of the aforesaid contention of the petitioner.

6. In above view of the matter, this application for the temporary relief of the petitioner on bail is allowed. The petitioner is ordered to be released on temporary bail on furnishing solvent surety and PR in the sum of Rs.5,000/-.

7. In the alternative, it will be open for the petitioner to make a deposit of the aforesaid amount before the jail authority before being released on bail. The petitioner is being ordered to be released on temporary bail on the following conditions :

(1) The petitioner shall surrender to the jail authority by or before 4:00 p.m. on 13th July, 2001 - evening.

(2) The petitioner shall not contact, induce or threaten the witnesses of the prosecution.

(3) The petitioner shall not leave Ahmedabad City during the above period.

(4) The petitioner shall remain in hospital with his father for the above period.

Rule is made absolute to the above extent. Direct service permitted.

(D.P.Buch, J)

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'Bhavesh'
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